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19. M.R.Ry. S. Muttumanickachariyar Avargal.
20. ,, Rao Sahib M. C. Madurai Pillai Avargal.
21. ,, Diwan Bahadur T. N. Sivagnanam Pillai Avargal.
22. ,, Rao Bahadur T. Namberumal Chettiyar Avargal.
23. M.R.Ry. Diwan Bahadur L. A. Govindaraghava Ayyar Avargal.
24. ,, Diwan Bahadur C. Arunachala Mudaliyar Avargal.
25. ,, Rao Bahadur K. Gopalakrishnayya Garu.
26. ,, C. Ramalinga Reddi Garu, and
27. the mover."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"I second it."

The RAJA OF RAMNAD :—"May I request the hon. the Minister to consider the name of Mr. P. C. Muttu Chettiyar for inclusion in the Select Committee ?"

The hon. the PRESIDENT :—"The hon. Member the Raja of Ramnad is probably aware that he is not quite in order. If he wants to suggest any such thing he should have put forward his suggestion in the shape of an amendment to the motion. I do not think it is open to the hon. the Raja of Panagal to add another name, because I have already put the question to the House. I think we cannot entertain the proposal now."

The motion that the Bill be referred to a select committee was put and carried.

(2)

THE MADRAS IRRIGATION BILL, 1922.

The hon. Mr. K. SRINIVASA AYYANGAR :—"Sir, there has been a general desire expressed that more time should be given to consider this important measure before it is introduced into the Council. The Government desire that this should be done, and, as I take it that there is a very considerable amount of misapprehension with regard to the provisions of this Bill, it will be of use if I do not introduce it now. I hope to have an opportunity of removing those misapprehensions, and I therefore formally move that this item of business be adjourned to the January sitting of this Council."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second it."

The motion was put and carried.

(3)

A BILL TO PROVIDE FOR THE SPEEDY TRIAL OF MAPPILLA REBELLION CASES IN MALABAR, 1922.

The hon. Mr. A. R. KNAPP :—"Mr President, I beg to introduce the Malabar (Completion of Trials) Act, 1922. The Statement of Objects and Reasons, as published, has given, in some detail, the reason which led the Government to bring forward this piece of emergency legislation, and I do not think I need add very much to what is said there. As the Council are aware, the arrangements for the trial of prisoners in connexion with the Malabar rebellion have been made all through by a series of special ordinances issued by the Governor-General. At first there was the Martial Law ordinance, under which certain courts were established under the authority of the military commander, and subsequently a special tribunal was instituted. That ordinance was in force till February last. At the time when it lapsed we found that a very large number of cases had to be dealt with, which the ordinary courts of the district were not competent to deal with. A further ordinance was found necessary, and that took the form of the Malabar Restoration of Order Ordinance, 1922, under which

the local Government were given powers to appoint certain special courts, special judges, special magistrates and summary magistrates. That ordinance remained in force until August last. When, in its turn, it lapsed, we still found ourselves confronted with a considerable number of cases. In some cases trials had begun, in others the accused were arrested and were in jail awaiting trial, and in some others the accused were not even arrested. It was felt in regard to the part-heard cases and those of which the accused were in jail that it would be undesirable to have any delay, and the Governor-General passed a still further ordinance, the Malabar Completion of Trials Ordinance, 1922, under which the special magistrates and special judges already appointed were enabled to continue the trial of those cases. But we were left with the cases of those who were not yet arrested. It was felt that in regard to them it would be more proper that any special machinery required for disposing of the charges against them should be left to be settled by legislation in this Council rather than by special ordinances. That, Sir, is the explanation for introducing this Bill.

"We have, as I have said, a large number of cases to deal with. These cases, as a rule, are serious ones; they include dacoities triable in the ordinary sessions; they also include other serious cases triable indeed by first-class magistrates, but not suitable for trial by them, as such magistrates can give a punishment only up to two years imprisonment. The most serious cases will, of course, go to the sessions; but the Government feel that a considerable number of less serious cases might be left in the hands of experienced selected magistrates. Experience shows us that they are quite competent to deal with them and the trials would be very much quicker. I may take this opportunity of saying that the present need of Malabar is to end the aftermath of the rebellion as soon as possible and to finish these prosecutions as soon as we can. Unless this is done the district cannot possibly settle down to the normal state. What the Government now propose is to take power to give extra additional powers to certain selected magistrates. It is not a new or revolutionary measure; for the authority to give such enhanced powers already exists in India. Under section 30 of the Criminal Procedure Code, the Governments of the Punjab, Burma, Oudh, Central Provinces, Coorg Assam, Sindh, as well as in other parts of India where the administration is carried on by Deputy Commissioners, are already able to grant enhanced powers to selected magistrates. The power which they grant under that section extends to seven years, the period of imprisonment which may be imposed by magistrates. All that is proposed now, Sir, is that the Local Government here, in respect of Malabar and in respect only of cases connected with the rebellion, should be authorized to grant to selected magistrates the same power as is provided for under the Criminal Procedure Code in the other places that I have mentioned. So much for the first part of the Bill.

"Then, Sir, the second part of the Bill consists of clauses 4 and 5 and is meant to remedy a technical omission in the Completion of Trials Ordinance. At the time that that ordinance will expire (in February next) it is pretty certain that there will still be left some cases in which the appeal has not been finally decided or an appeal has not yet been lodged. On examination of the ordinance we find that when it expires there will be left actually no successor to the court which will have disappeared along with the ordinance and there will be no court to which the appellant can

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apply for records, or to which the appellate judgment can be notified. It is even doubtful whether the person who has not lodged an appeal before the Ordinance lapses will not lose the right of appeal altogether. Unless some special provision is made, we shall only be robbing the accused of a right of appeal altogether. To remedy this defect it is that these clauses giving the right of appeal to the accused have been inserted.

"That, I think, is all I need say as explanation. Now, I formally move that the Bill be read in Council."

The hon. Mr. K. Srinivasa Ayyangar :—" I second it."

Diwan Bahadur M. Krishnan Nayar :—" Sir, I want to say one word in support of this Bill. One great need that exists at present in Malabar is the need for restoring amicable relations between the two important communities there—the Hindus and the Mappillas. The longer this is delayed, the greater will be the difficulty of restoring the normal conditions that existed in Malabar till this rebellion broke out. As long as there are these Mappillas who are either under remand or are not yet arrested, this amicable relationship cannot be restored. And it is for the speedy restoration of this, that the Bill is now brought forward before this Council. So it is very necessary that this Council should be pleased to pass this measure and I heartily support the measure before the House."

Mr. K. Prabhakaran Tampan :—" There is a very large number of prisoners, Hindus and Mappillas, yet to be tried and it is very necessary that their trial should be expedited as much as possible. But, I should bring to the notice of the House and the Government one aspect of the matter. There was the case of Krishnanunni Nayar of Mannarghat, for instance, who was arrested on the 24th August last year and his trial was over only very lately. He was in remand for about sixteen months before he was finally discharged. My hon. friends will of course understand the many difficulties and anxieties felt in the matter and the amount of suffering that had to be endured. I wish to press for the attention of the Government that there may not be any more such instances. It is highly necessary that the trial should be over as early as possible.

" With these words I strongly support the Bill."

Rao Bahadur C. V. S. Narasimha Raju :—" Sir, I did not want to speak on this motion : but the speeches of my Malabar friends, Mr. Krishnan Nayar and Mr. Prabhakaran Tampan, in support of the Bill have tempted me to express my views on this Bill. Mr. Krishnan Nayar said that he was anxious for the restoration of peace in Malabar. For my part I am not able to see anything in the Bill to that effect ; but it appears to be the intention of the Bill to send these Mappilla accused to longer terms of imprisonment. If that is really the main feature there can be no restoration of peace in Malabar, and I doubt extremely if my friends are really serving the interests of their district. As long as the Nayar and Hindu sections want to send Mappillas to longer terms of sentence, I believe the feeling in the country will not be cooled down."

The hon. Mr. A. R. Knapp :—" Sir, may I say one word of explanation ? It is not that we want to send the accused to longer terms of imprisonment. On the contrary, we want power to send them for trial before magistrates

whose powers of imprisonment are smaller than those of the Sessions Court where they would ordinarily be tried."

The motion that the Bill be read in Council was then put to the House and carried.

The Secretary then read the title of the Bill.

The hon. Mr. A. R. KNAPP :—" I now move, Sir, that the Bill be not referred to a Select Committee."

The hon. Mr. K. SRINIVASA AYYANGAR :—" I second it."

The motion that the Bill be not referred to a Select Committee was put to the House and declared carried.

The hon. Mr. A. R. KNAPP :—" I now request you, Sir, to suspend the operation of Standing Order No. 39."

The hon. the PRESIDENT :—" I hereby suspend the operation of Standing Order No. 39."

The hon. Mr. A. R. KNAPP :—" I beg to move, Sir, that the Bill be taken into consideration at once "

The hon. Mr. K. SRINIVASA AYYANGAR :—" I second the motion."

The motion that the Bill be taken into consideration was then put and carried.

The hon. Mr. A. R. KNAPP :—" I now move, Sir, that the Bill be passed into law."

The hon. Mr. K. SRINIVASA AYYANGAR :—" I second the motion."

Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, may I now move for a slight verbal alteration or can I have another occasion to do it when considering the Bill clause by clause ? "

The hon. the PRESIDENT :—" The motion before the House now is that the Bill be passed into law. I think that the hon. Member should have risen a little earlier; but if his amendment is of a serious nature, of course it is open to the hon. Member to object to the Bill being passed into law. Then if the House agrees with him, the Government will bring forward another Bill."

Diwan Bahadur M. KRISHNAN NAYAR :—" Certainly my amendment is not of such a serious nature."

The motion that the Bill be passed into law was then put to the House and carried.

(4)

A BILL TO REGULATE STATE AID TO INDUSTRIES, 1922.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" Mr. President, I beg to present the report * of the Select Committee on the Bill to regulate State Aid to Industries, 1922, and to move that the Bill as amended by the committee be taken into consideration. The report of the committee is before the House and the Bill itself is reprinted, such portions as have been amended having been printed in italics to draw prominent attention to the changes that were made in the Select Committee. The report of the Select

* Vide Appendix B on page 1023 infra.